

SECTION 16.IV: TEMPORARY USE PERMITS

(Added by Ord. No. 3409, effective 6-17-10)

PURPOSE

The purpose of this Section is to provide for the review and approval of short-term activities and events that are consistent with the provisions herein, but which would otherwise be prohibited in the zoning district for which the application is being made. Limited review will ensure compatibility with adjacent land uses and availability of public services and infrastructure; thereby protecting the public health, safety and welfare. Typical temporary uses include: outdoor carnivals, itinerant shows, religious revival meetings, festivals, car shows, traveling rodeos, and similar uses that may be approved by the Planning Director, or his designee. Approval, Conditional Approval, or Disapproval shall be at the discretion of the Planning Director, or his designee, and shall not require a public hearing or public notice. Modifications from these regulations may be approved by the Planning Director, or his designee, in individual cases if the modification is in accordance with the purposes set forth herein.

DEFINITION

16.IV.01

Temporary Use: a temporary use is a use of a parcel of land when not otherwise allowed by the zoning district for a period of more than one hour but less than seventy-two hours and no more than four times per calendar year.

FREQUENCY OF USE

16.IV.02

A temporary use permit may be issued for the same parcel no more than four times per calendar year.

SUBJECT TO APPROVAL BY THE PLANNING DIRECTOR

16.IV.03

The temporary uses permitted may be approved by the Planning Director or his designee, after consultation with Sheriff's Department, Fire Department, Environmental Health, Building Division and any other agency whose review is determined to be necessary. The Planning Director, or his designee, may impose conditions for a temporary activity as otherwise necessary to protect the public health, safety and welfare.

LICENSING

16.IV.04

Temporary uses may be subject to the issuance of business licenses, permits and/or clearances from regulatory agencies, as may be imposed by the action of the Planning Director or his designee.

APPROVAL, CONDITIONAL APPROVAL OR DISAPPROVAL AUTHORIZED

16.IV.05

The Planning Director, or his designee, may approve or conditionally approve or disapprove a temporary use permit based upon evaluation of the information submitted and use proposed.

Minimum criteria and findings, as noted below, shall be required:

1. The use is exempt from the requirements of CEQA.
2. The proposed location:
 - Is adequate in land area to accommodate the proposed temporary use activity;
 - Provides for adequate off-street parking for the duration of the temporary use;
 - Identifies safe ingress and egress from the project location.

Minimum compliance and submittal:

1. An indemnification and cost recovery agreement is signed by the applicant.
2. Clearance received from the consulted agencies.
3. Implementation of requirements recommended by the consulted agencies.
4. Issuance of business licenses as may be required by the County.

EXEMPTIONS

16.IV.06

Temporary uses of a duration of less than three days which are held on county parks or public property and sponsored by bona fide charitable or nonprofit organizations are exempt from the requirements contained herein, provided such uses have prior approval of the Planning Director, or his designee, or other County agency having responsibility for the County land being utilized. Garage sales, yard sales, and similar temporary sales activities, shall be exempt from the requirements contained herein as long as such activity does not exceed three days within any thirty day period.

OTHER TEMPORARY USES NOT IDENTIFIED

16.IV.07

Those temporary uses not determined by the Planning Director, or his designee, to be compatible, shall only be permitted subject to the processing and approval of a special use permit as described in Chapter 16.II.B of Ordinance No. 352, the Zoning Ordinance.

INDEMNIFICATION

16.IV.08

The applicant(s), at their sole cost and expense, shall defend, indemnify and hold harmless the County of Tulare, its agents, legislative body, officers or employees in any legal or administrative action, claim or proceeding concerning approval of all temporary use permits or, at its election and in the alternative, shall relinquish such approval.